

Coast Guard, DHS

§ 155.140

§ 155.130 Exemptions.

(a) The Commandant grants an exemption or partial exemption from compliance with any requirement in this part if:

(1) A ship operator submits a written request for an exemption via the COTP or OCMI thirty (30) days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) It is determined from the request that:

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution; and

(iii) The likelihood of discharges occurring as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and the reasons for the exemption and proposed procedures, methods, or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An oceangoing ship is not given an exemption from the requirements of subpart B of this part unless the ship is a hydrofoil, air cushion vehicle or other new type of ship (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of subpart B relating to construction and equipment unreasonable or impractical. The construction and equipment of the ship must provide protection equivalent to that afforded by subpart B of this part against pollution, having regard to the service for which the ship is intended.

(e) An exemption is granted or denied in writing. The decision of the Commandant is a final agency action.

NOTE TO §155.130: Additional exemptions/temporary waivers related to *salvage* and *ma-*

rine firefighting requirements can be found in §155.4055.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990; USCG-1998-3417, 73 FR 80648, Dec. 31, 2008]

§ 155.140 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available for inspection at the Coast Guard, Office of Vessel Activities, (CG-543), 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581, 202-372-1251. Approved material is available from the sources indicated in this section.

(b) *American National Standards Institute, Inc. (ANSI)*, 25 West 43rd Street, New York, NY 10036, 212-642-4980, <http://www.ansi.org/>:

(1) ANSI A10.14, Requirements for Safety Belts, Harnesses, Lanyards and Lifelines for Construction and Demolition Use, 1991 ("ANSI A10.14"), incorporation by reference approved for §155.230.

(2) [Reserved]

(c) *American Society for Testing and Materials (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585, <http://www.astm.org/>:

(1) ASTM F 631-93, Standard Guide for Collecting Skimmer Performance Data in Controlled Environments ("ASTM F 631-93"), incorporation by reference approved for Appendix B.

(2) ASTM F 715-95, Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage ("ASTM F 715-95"), incorporation by reference approved for in Appendix B.

(3) ASTM F 722-82 (1993), Standard Specification for Welded Joints for